

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:22-CR-00016-RJC-DSC

USA

v.

JUAN OCTAVIO IRIBE LAVEAGA (1)

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ORDER

THIS MATTER is before the Court upon motion of the defendant pro se for a reduction of sentence based on Amendment 821 to the United States Sentencing Guidelines relating to certain zero-point offenders. (Doc. No. 35).

Part B, Subpart 1 of the Amendment is retroactive and created a two-level decrease if a defendant meets all the criteria in USSG §4C1.1(a). USSG §1B1.10(d), comment. (n.7). Here, the defendant admitted that he possessed a firearm in his residence where law enforcement also found 3.75 kilograms of fentanyl. (Doc. No. 27: Presentence Report ¶¶22, 23). He also received an aggravated role enhancement. (Id. ¶32). Accordingly, he is not eligible for relief. USSG § 4C1.1(a)(7), (10).

IT IS, THEREFORE, ORDERED that the defendant's motion is **DENIED**.

Signed: January 3, 2024



Robert J. Conrad, Jr.
United States District Judge

